App. F. IX-4

Previous References

1936. (Laws)

File No. 22-H

Serial Nos. 1-10

Letter References

Law 149-40 (1-5)

Preserve (51)

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Jan only

Part B for December 1938.

SUBJECT.

Filing an appeal against the order of the Additional District Judge in the matter of the acquisition case (Nos 127/27-28, Chelavan Iyengar and others -Vs- the Land Acquisition officer, Nandhagiri).

S/10 To the Heads of Departments etc.

Circular no P2945-99 SJ 6.12.36.

directs that the instructions should be strictly observed.

WD 0295—GPB—22,500—18-8-37

From.

The Public Prosecutor, Blore.

829 SJ 24.11.38.

States that the case was settled in accordance with the terms of G.O.C.L.40004-5/Rev. 15-38-48 SJ 16.4.38.

Nairzer Nageswara
7/2/13

This case No. 127/27-28 in the file of the Additional Dist. Judge, Bangalore. (Chalava Iyyar & others-Vs- The Land Acquisition officer, Madhugiri.) Acquisition of land for the construction of Irrigation Tank at Pavagada.

General and Revenue Secretariat — Land — File No. 22 — of 1936. — [App. F. III—2

Serial No. 1

From

Public Prosecutor, Bangalore Dn.

No. 1367 Dt. 25.6.1936.

States that orders were pronounced in the holding that the claimant is entitled to get higher compensation as claimed

1) The previous references relating to the above case are not traceable.

Z.S.G.R. V.C. Kindly put up the concerned papers if there are any.

Hd/- T.S.P. 8/7

Hd/- M.S.K. There are no papers in the subject in this Branch.

Hd/ 8/7

Hd/- G.R.R. To the Protection Branch W.C.)

Hd

NOTE—Contn. Sheet.

VD 0544—GPB—30,000—2-9-83

Serial No.

Subd with dft to the PP enquiring about his Case

1) This is a land acqn case & the PPr must have appeared under instructions from Govt - Rules for legal affairs are not clear on this point.

Issue

mpl 29/7

2 Issued no. P. 3854 d. 13-7-936.

3 from the P.P.r, Blore. Letter No. 69/36-37, dated 11th July 36 forwarding a copy of order in Misc 127/27-28 on the file of the Addl. Dt. Jdge. Blore

Sub A 15/7/36

4 From the P.P.r, B'lore

Letter no. 98/36-37, dated 20th July 1936 intimating that he was appointed P.P.r in Misc 127/27-28 of Dt. Jdge. Blore under instructions from the S.D.O. Kadhrgiri.

Subd for orders

2) The order of the Dt Judge shows that the reference was only in respect of apportionment under Sec 30. How did the Court then get jurisdiction to go into the question of market value? Please enquire PPr at once. This is a case in which an appeal may have to be filed. I hope the PPr has intimated the order to the S.D.O. Madhugiri who instructed him in the matter.

mpl 29/7.

Subd with a dft

5 4) Issue as revised

Issued to P.P.r, B'lore and A.C. Tumkur in P.Rs 29/7

Sug. 4-8-36

A/c 30-7-36

I.N. 11 JUL. 1936 GENL & REV. SECTT.

TYPING SECTION. to S.C. 29 JUL. 1936 GENL & REV. SECTT.

NOTE—Contd. Sheet.

7 Cheluthiyan & others vs the L. Acqn officer Madhugiri

Law File No. 82 of 1936.

General and Revenue Secretariat

From

The P.P., Bl'ore.

Letter no 232/36-37, dt 5-8-36 stating that an appeal will have to be filed in the orders passed in Mis 127/27-28 on the file of Addl. Dist. Jd. Bl'ore.

5) P.P. says that an appeal will have to be filed. It is for orders whether the D.C. Tumkur may be referred in the matter.

The Public Prosecutor has not answered our qn as to how the Ct. got jurisdiction to go into the qn of market value.

6) I have discussed this case with Mr. Doraiswami Iyer, P.P. He says that there is no proper reference under Sec 18 L.A. Acqn & that consequently the Court had no jurisdn to go into the question of Compensation. But this however was not noticed either by the Court or the Counsels concerned & hence the mistake.

7) Apart from this, there are other grounds also for appeal. The D.C. Tumkur has to be reminded to move Govt in the matter, but so far no reply has come and the time for appeal is likely to expire by the end of this month.

Chelluingar & others Vs The L. Acqn off Kadhyiri

General and Revenue Secretariat | File No. 22 Law of 1936 | [App. F. III—2

Serial No.

The DC Tumkur will therefore be asked to send all the records of the case immediately. After receipt of the records, the GA will be consulted & further action taken.

2) This case brings shows the defects in the procedure now followed by the Land acqn officer & directly instructing the Pprs to appear in L.A. Cases without the Law Dept being informed of the name & other particulars of the case. See revision of Rules 17 to 20 of the Land acqn rules printed at pages 38-40 of the Manual, which require some revision & amplification and they have to be incorporated among the Rules for the Conduct of Legal Affairs of Govt. This question will if approved be worked up separately & submitted for orders.

(Yes sd) BNE 8/8

GENERAL SECRETARIAT - 8 AUG. 1936 207

3) Yes sd BNE 8/8

4) Dft to DC Tumkur BNE 8/8

5) Subd a dft for consideration. 9/8

6) Issue & resubmit BNE 10/8

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

Typist To day 10/8

TYPING SECTION. 10 AUG. 1936 GEN.

1152 Abd

Chelathiengal & others. Vs The L. Regn: Officer Nadhapuram

5

Law File No. 22 of 1936. | General and Revenue Secretariat

To

The D. C. Tumkur

Letter no P 1106, dt 10th Augt: 36 Re: the appeal to be filed in the above case. (Copy & P.R. Below)

Subd. after issue.

(1) Take extract of para 8 above & work up Separately as personally instructed

11/8

Subd. Para 11 is being worked up Separately in Law 41-36.

13/8

Sus A 13-8-36

Sus B tdk 20-8-36

From.

The D. C. Tumkur.

Letter No. A.6. C. 893/36-37, dt 18-8-36 requesting for the copy of the order passed in the case.

(2) Subd. a dft. for approval

20/8

(3) Issue today & put up again on 27th

20/8

To

The D-C. Tumkur.

Letter No. P 1338, dt 20-8-36 forwarding a copy of order.

Sus A 21-8-36

(4) Subd. No reply has been received from the D-C. till now.

27/8

(5) A DoR may issue today

27/8

(6) D.O. reminder in Anx.

27/8/36

(7) Issue today

27/8

Sus A 27/8/36

Reminder destroyed

D.O. No. P 1438, dt 27-7-36

General & Revenue Secretariat. Sec. | File No. 22 of 1936 | [App. F. III–2

Serial No.

From
The Dy Commr Tinsukia
Letter No 6.C.393 dt 28.8.36
states that he has instructed his Pcb ppr to file an appeal pending issue of further instructions

pd.

7 Letter No.6.C.393 dt 30.8.36 states that the Municipal Commr Tavarada have resolved to file an appeal & to meet the cost therefor.

20) The Dy Commr's further report promised will be awaited.

Sec. 31/8/36 MSK

21) Please ask the Ppr to intimate above what the last day for filing the appeal is

MSK 31/8

22) Dft-Asstt

Sec. 2/9 MSK

23) Sometoday

MSK 31/8

The Ppr's Bi-lingual Dn No P.149 & dated 31.8.36 from the P.Ppr's Dn — Letter No.429 dt 1-9-36 states that the appeal has to be filed before the end of September 1936 & that he would submit a note early during the month

24) Submitted for perusal. The note promised by the Ppr will be awaited till the 15th inst.

Sec. 4/9/36 MSK

Till tomorrow the 7th MSK 4/9

NOTE—Contn. Sheet.

7 1

xaw File No. 42 of 193 6 | General and Revenue Secretariat

From the Dycomm, Tumkur Dt 8

Requests, Sanction to meet the Cost of the appeal which may be about Rs 1957- from the Municipal funds of the Pavagada Municipality- as resolved by the Council.

26) As ordered in para 25 supra, the note promised by the P.Pr will be awaited and on its receipt, a dft. sanctioning will be put-up, c/s appd.

5/9/36 MGR

27) Please put this up on Monday the 7th
MRE
5/9

28) Submitted
7/9/36
MGR

29) Return P.Pr Bore
MRE
7/9

Dft/7/9/36. 30) Dft. Return put-up.
MGR
7.9.36

31) Issue
MRE
Issued No P 1715 8/9/36.

Return dated 7/9

Fwd B/13-9-36

From

The P.Pr. Bore

No 490/36-37, dt 11-9-36 intimating about the filing of an appeal.

TYPING SECTION. 7. SEP. 1936 GENL & REV. SECTT.

Chelukiengar & others Vs L.A. officer, Nadugiri &

1655

General & Revenue Secretariat.

File No. 22 of 1936. [App. F. III–2

Serial No.

32) Subd. a dft for Consideration. P.P. says appeal will be filed on 14th inst

12/9

33) Issue today

12/9

To

The P.P. "B" Kor

No. P. 1885, dt. 12-9-36 Requesting for Connected Records

Svs A 14-9-36

34) Letter No: 504 dated 12 Sept 1936 forwarding the appeal memo -

35) Letter No. 521 dated 14 Sept 1936 forwarding copy of Judgment etc -

36) Reference is invited to paras 6 & 7. Supra. This is a fit case for appeal & sanction to file the same may therefore be given. As Mr Nagesvara Iyer has appeared for the Claimants in the Dt Ct, the appeal to the High Ct has to be filed by the PP himself. This may also be sanctioned

37) Perusing is true of formal orders, I shall, if sanctioned, return the appeal memo & the copy of Judgt to the PP, who is here, for being filed in the

NOTE—Contn. Sheet.

9 Chelluvinayak + others V/S L.A.O. Kothagiri

File No. Law 22 of 1936. | General and Revenue Secretariat

High Court today alone.

Gen Secy) This may be appd
38) Rec'd 15/9 15/9

First Member) 15/9

39) Please take action & send the file to me again I shall issue further instrns in the matter

15/9

40) Asst Secy. Please issue instrns and forward.

Rec'd 15/9

41) Issue today & Returnt 15/9

To the P.P. B'lore
Letter No. P 1883, dt) 15-9-36 forwarding records for filing appeal.

42) Subd after issue. Ref: para 39.

16/9

Gen Secy) Rec'd 16/9 - 21/9 - 16/9 - issued 21/9

First Member)

43) In this case the file

Serial No.

para 3

was sent to me for orders today
alone while the without Supt
time for Consideration It will be seen from the
Stt that the matter has been going
on for months together but when it
is submitted to the member on the
latest possible Day. This is
objectionable and I shall be glad
if the Secretaries to Govt will kindly
see that in such cases where the
time limits, the files are submitted
to the members well in advance
to admit of due consideration
I know the delay is not due to the
Secrt Necessary instrns will have
to issue to the offrs concerned in
regard to timely submn of such
cases to Govt. A general circular may also
issue
This may be circulated JGR
to the other Secretaries
& Inspr

RWD
17/10

Subject in which action is sought

Will do with Secy please draft a circ. as ordered by the Member. RWD 17/10

Let Please put up a typed copy of the draft placed below.

JGR
20/10

Secy
20/10/36

4th Subd with a typed dft.
21/10

NOTE—Contn. Sheet

1935

Lan File No. 22 of 1936

General and Revenue Secretariat

46) Subd with a draft for approval
Gen Secy)

47) Rec'd 22/10
30/10/36

First Member)

48) 31/10

49) Issue directed Secretaries. — Rec'd 1/11

1/11

GENERAL SECRETARY
23 OCT. 1936

FIRST MEMBER
31 OCT 1936
No. 2588

TYPING SECTION
2 NOV. 1936
GEN'L & REV. SECTT.

Typed copies sent to Ds
on receipt of copies
from the Press the Ds
addresses will be
communicated
6/11/36.

Issued in circular No P. 2945-99, dt 6-11-36
Copy of circular has been sent to the Secretaries

11-11-36

50) It is for orders if the file also has to be circulated to Secretaries. (Refce para 49 supra.) or kept in files

51) For perusal - Last sentence of para 43

14 NOV. 1936

Chief Secretary)

52) Seen and noted -
Development Secretary)

53)
Financial Secretary)

54)

FINANCIAL SECRETARIAT
U.O.No. Fi. III. 73
17 NOV 1936
SRE.

11-2-37

Chelukiengar & others vs L.A. Officer, Madhugiri. 12

General and Revenue Secretariat | File No. 22 of 1936. | [App. F. III—2

Serial No.

55) Subd with a dft. for approval.
56 DSme
15/2
13.2.37)

Issued no P. 5033, dt 16-2-37

TYPING SECTION
13 FEB 1937
GENL & REVENUE SECTT.

Sec A.
16-2-37

From

The D.R. Bangalore
no. 829 dt 24-11-38

States that the case has been settled in accordance with the terms of G.O.L 40004-5/Rev.15-38-48 dt 16.11.38.

B
3/12

Please Vide page 17

57) Subd. for perusal.
This will be sent to L.S.G. Dept. for putting up the file leading to the issue of the G.O. mentioned in the letter to see that the terms are

Sd/- S.R.
29/11

58) Not necessary. The copy of the G.O. is already in the file.

Sd/- B.K.R.
29/11

NOTE—Cover Sheet.

WD 0417—GPB—30,000—8-9-36

3094/0/38 13

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

-----:O:-----

R e a d/ : -

Correspondence ending with letter No. AG C 791/38-39 dated the 10th November 1938 from the Deputy Commissioner, Tumkur District, requesting, in the circumstances explained, sanction to the payment by the Pavagada Minor Municipal Council of compensation at the rate of 4 annas per square yard with 15 per cent statutory allowance for the acquisition of lands for the Town Hall building at Pavagada, the cost viz., Rs. 934-6-0 (Rs. 1,495-3-0 minus the sum of Rs. 560-13-0 already placed at the disposal of the Court in connection with the case) being ~~xxxxx~~ met out of the closing balance of the Municipality for the current year.

****

Order No. L4004-5/ml 15-38-48
Dated, Bangalore, 16th November 1938.

S a n c t i o n e d .

for Secretary to Government,
Local Self-Government Department.

To

The Deputy Commissioner, Tumkur District, ~~with records.~~
The Comptroller to Government.

Copy to Accounting Branch with the connected file

Submitted for perusal.

16/11

17.11

SECRETARIAT
16. NOV 1938

7901/P-835 1

No. 1367
3rd 36
Enc. .....

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,

DISTRICT OFFICE BUILDINGS,

(Camp Tumkur) *Bangalore,* .....25th.....June.....193 6.

FROM G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore. Law ar. 36-1

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

27 JUNE 1936

SIR,

Re: Mis case. No.I27/27-28 on the file of the Additional District Judge, Bangalore. (Chaluviengar and others -VS- The Land Acquisition Officer, Madhugiri.) Acquisition of land for the construction of Town Hall at Pavagada.

I have the honour to state that orders were pronounced in the above case holding that the claimant is entitled to get higher - compensation as claimed. An application for a copy of - order has been filed and the same will be sent to you after it is received.

I have the honour to be,
Sir,
Your most obedient servant,

G.S. Doraswamy Iyer

Public Prosecutor.

KHR.

1) No papers req^d relating to the above case are now received.

L.S.G. Sr } to kindly look up the connected
vde } papers if there are any

TSD 8/7 Nothing. No connected papers relating subject in this Branch.

W 8/7 To return to K(C)

2

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 13th July *1936*

No. P384
Law 22-36-2

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,

Bangalore.

Sir,

(Mis.127/27-28 on the file of the Additional District Judge, Bangalore. Chaluviengar vs. Land Acquisition Officer, Madhugiri.)

With reference to your letter No.1367/35-36 dated 25th June 1936 intimating about the orders passed in the above case, I am directed to enquire under whose instructions you appeared in the above case. If it is under orders of Government, a copy of the Government Order may kindly be sent for reference.

I have the honour to be,

Sir,

Your most obedient servant,

for General Secretary to Government.

psk-2

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue 13.7.36

Signed by Mr. V. R. J.

List of enclosures.....

Copied by Bw 13/7

Examined by.....

Section

File No.

Serial No.

No. P 3814

To The Dr. Bore.

Mis. m/mrs on the file of the Addl Dist. Judge, Bore (Chalumeya vs L.A.O. Madhy

Sir,

With reference to your letter no. 1367/35/36 d 25.6.36 intimating the order passed in the above case I am directed to enquire under what instructions you appeared in the above case. If it is under orders from, a copy of the G.O. may kindly be sent for reference

I have the

Addl D.J. Bore 15/7 for Govt

15/7/36

413 P836

No 69
Enc. 36-37 Copy of order

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

(Camp Tumkur) *Bangalore,* 15th July *193* 6.

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

Law R 96-J

To the General secretary
to the Government mysore.
Bangalore

GENERAL SECTT. BANGALORE
17 JULY 1936

SIR,

Re. mis 127/27-28 - Addl Dist Ct Bangalore
Sheenvasiengar v C.A. Main

In Continuation of my letter no 1367/35-36 of the 25th June 1936 I have the honour to send herewith the Certified copy of the order in the above case for information

Reply
17/7

790/36
Spl
15/7/36

I have the honour to be
Sir
Your most obedient
Servant

GS Doraswamy Iyr.
Public prosecutor.

5/7/36
P
5

No. 98/36-37.

Enc.

OFFICE OF THE PUBLIC PROSECUTOR
BANGALORE DIVISION,

DISTRICT OFFICE BUILDINGS,

Bangalore, 20th July 193 6

Law 22-36-4

FROM G.S. Doraswamy Iyer, Esq., B.A., B.L.,

Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SIR,

RE: Mis. case. No.I27/27-28 on the file of the Additional District Judge, Bangalore.

With reference to your letter No.P.384 dated I3-7-36 re: the above, I have the honour to state that there is no Government Order in the case. Under instructions of the Sub Division Officer, Madhugiri conveyed in his letter No.Ac-60/26-27 dated 28-4-28 the case was conducted. The case is one of I927-28 and was on the rile of the District Judge even before I was appointed Public Prosecutor. Three witnesses for the claimant were cross-examined by my predecessor while three witnesses for the claimant were cross-examined and three for the respondent were examined by me.

I have the honour to be,
Sir,
Your most obedient servant,

G.S. Doraswamy Iyer

Public Prosecutor

Sdlm

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P828 Law 22-36-5 Dated, Bangalore, 29th July 193 6.
30

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

Sir,

With reference to your letter No.69 dated 15th July 1936 forwarding copy of order passed by the Additional District Judge,Bangalore in Mis Case No.127/27-28 (Land Acquisition Case relating to acquisition of certain land in Pavagada for construction of a Town Hall) on 30th May 1936, I am directed to enquire how if as the order says the reference was only in respect of apportionment under section 30 of Land Acquisition Regulation, the Court got jurisdiction to go into the question of the Market value of the land. This seems to be a case in which an appeal may have to be filed and it is hoped that you have duly intimated the orders of the Court to the Sub Division Officer, Madhugiri, who instructed you in the matter.

I have the honor to be,

Sir,

Your most obedient servant,

Sd/- M.Venkatesa Iyengar.
For General Secretary to Govt.

c.n.3

Memo No. P829 dy 30.7.36

Copy of the above is forwarded with compliments to the Deputy Commissioner, Tumkur.

By Order,

For General Secretary to Govt.

30/7/36

Appendix F G—1]

7

SUBJECT.....

.....

.....

Section Law

File No. 22-36

Serial No. 5

Diary No. of letter replied to.....

No. P828

To Sh. P. Pr. Bhore

General and Revenue Secretariat

( )

the 193 .

Sir,

With reference to your letter No. 69 dated 15 July 1936 forwarding copy of order passed by the Addl. Dt. Jd., Bhore in His Case No. 127/27-28 (Land Acqn. Case) on 30th May 1936 relating to acquisition of certain land in Pavapura for construction of a Town Hall.

Date of issue 30.7.36

Signed by .....

I am directed to enquire how far as the order says that the reference was only in respect of apportionment under Sec. 30 of L.A. Regn., and to enquire how the Court got jurisdiction to go into the question of the Market Value of the land. This seems to be a case in which an appeal may have to be filed and I am to enquire if it is hoped that you have duly intimated the order of the Court to the S.D.O. Madhugiri, who instructed you in the matter.

List of enclosures.....

Copied by .....

Examined by.....

for Secy.

WD 03601—GPB—30,000—23-9-35

29/7

In the case of the above No. P829 of 30.7.36.

Copy to DC Tumkur. 29/7

29/7

No. 232

Enc. 36-37

6/860/1936

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,

DISTRICT OFFICE BUILDINGS,

Bangalore, ...5th.....August.....*1936*.

Law 22-36 6

FROM

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

GENERAL DEPT.
-6 AUG. 1936

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore

SIR,

Re: Mis. Case No.127/27-28 on the file of the Additional District Judge, Bangalore. (Chaluviengar and others -VS- The Land Acquisition Officer, Madhugiri.)

With reference to your letter No.P.828 Law 22-36 dated the 30th July 1936 regarding the above case, I have the honour to state that the reference in the above case relating to certain lands in Pavagada was under Section 30 of the Land Acquisition Regulation. I have ~~xxx~~ intimated the result to the Sub Division Officer, Madhugiri and the Deputy Commissioner Tumkur. An appeal will have to be filed early. Orders were passed in the above case on 30-5-1936.

I have the honour to be,
Sir,
Your most obedient servant,

D Doraswamy Iyr
Public Prosecutor.

KHR.

9

Appendix F G—1]

SUBJECT..... Inam 24

.....

.....

Section Law

File No. 22 - 36

Serial No.

Diary No. of letter replied to..... .....

No. P 1106/Secl.

To

The D. C. Tumkur.

General and Revenue Secretariat

( )

the *193* .

Sir,

Date of issue..... 10. 8. 36

Signed by ..... Mr. N. R. J. R.

Mis: Case No. 127 of 27-28 on the file of the Addl. DC. judge, B'lore (Chelukiengar & others Vs The L. Acqn. officer, N. Bhupasi.) ..

In Continuation of this office memo No P 829, Dt 30-7-36 regarding the above subject, I am directed to ~~Request you to dispose~~ ~~at an early date all the~~ ~~that the matter has not so far moved for the~~ ~~You have not so far moved for the~~ ~~filing an appeal against the order passed~~ ~~in the case has not yet been~~ ~~moved by you and the time~~ ~~for appeal~~ ~~is likely to expire~~

forward herewith copy of The letter No 232 dated 5 August 1936 received from the DPr Bangalore in the matter. As the time for appeal I am to write in this connection refer to para 20 of the instructions issued in Annexure I to your order RB 3292 dated LR 56-22-1)

List of enclosures.....

Copied by .....

Examined by .....

10

Claim to

the end of this month; ~~and to~~

request you to Kindly Refer it immediately.

all the Records of the Case together with your opinion
requiring the necessity or desirability
of filing an appeal in the Case.

I have etc.

sent without delay

I have etc

MM

Jr Gen: Secy:

9/8.

26 July 1922 as amended by G.O
No Camp R 173 233 d. R 21.26
dated 23 June 1927 and to suggest
that as the time for appeal is
likely to expire by the end of this
month, immediate further
action be taken in the matter
and all the records of the case

No. P 1107 of 10.8.36.

Copy to POP ✓ Plore

11

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 1106 Law 22-36
Enc 1

Dated, Bangalore, 10th August *193*6

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Deputy Commissioner,
Tumkur District.

Sir,

Mis. case No. 127 of 27-28 on the file of the Additional District Judge, Bangalore. (Chaluviengar and others Vs. The Land Acquisition Officer, Madhugiri)

....

In continuation of this office Memo No. P.829 dated 30th July 1936 regarding the above subject, I am directed to forward herewith copy of the letter No. 232 dated 5th August 1936 received from the Public Prosecutor, Bangalore, in the matter. I am to invite in this connection reference to para 20 of the instructions issued in Annexure I to Government Order R. 632-92/L.R. 56-22-1 dated 26th July 1922 as amended by G.O. No. Camp R. 173-233/L.R. 21-26 dated 23rd June 1927 and to suggest that as the time for appeal is likely to expire by the end of this month, immediate further action may be taken in the matter and all the records together with your opinion regarding the necessity or desirability of filing an appeal in the case sent without delay.

I have the honour to be
Sir,
Your most obedient servant,

for General Secretary to Govt.

1152 P 336 12

Tel. Address :—DEPCOM., Tumkur.

In reply please refer
No. A.C.393/36-37
Enc.

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

Dated Tumkur, the.....18th August.....*193* 6.

FROM

T. ABDUL KHADIR, ESQ., B.A.,
Deputy Commissioner,
Tumkur District, TUMKUR.

To

M....Venkatesa..Iyengar..Esquire, M.A.,
Secretary to Government of Mysore,
General Department, Bangalore.

GENERAL SECTT.
20 AUG. 1936
PM

SIR

Re: Mis.Case No.127 of 27-28 on the file of the Additional District Judge, Bangalore (Cheluviengar and others Vs. The Land Acquisition Oificer, Madnugiri)

-000-

Adverting to your letter No.P.1106 dated 10th August 1936 re: the above, I have the honor to request that a copy of the order passed in the above case by the Additional District Judge and said to have been transmitted to you by the Public Prosecutor with his No. 69 dated 15.7.36 may kindly be sent to this office immediately for taking further needful action.

I have the honor to be,

Sir,

Your most obedient servant,

For Deputy Commissioner,
Tumkur District.

T.M.C. 18/8

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

IMMEDIATE

General and Revenue Secretariat

13

No. P/338 Law 22-36 Dated, Bangalore, 20th August 1936

Sri C.S. Iyengar

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Deputy Commissioner,
Tumkur District.

Sir,

Mis.Case.No.127/27-28 on the file of Additional District Judge, Bangalore (Cheluviengar and others vs The Land Acquisition Officer, Madhugiri).

With reference to your letter No.A.6.C.393/36-37 dated 18th August 1936, requesting for the copy of the order passed in the above case, I am directed to forward herewith the same for immediate necessary action.

I have the honor to be,
Sir,
Your most obedient servant,

for General Secretary to Government

S.R.2

Appendix F G—1]

SUBJECT Immediate

Section Law

File No. 22 - 36

Serial No.

No. P 13388/Secy Copy of order

Diary No. of letter replied to.....

To

The D. C. Tumkur.

General and Revenue Secretariat

( )

the *193* .

His Case No. 127/27-28 on the file of Addl Dt Jd Bkore (Chelukiengar & 15 others Vs the Land Acqn. Officer, Kadhyiri)

Date of issue 20.8.36

Sir,

Signed by Sri. M. R. J. R.

With reference to your letter no A. B. C. 393/36-37, dt 18th Augt 36 Requesting for the Copy of the order passed in the above Case, I am directed to forward herewith the same for immediate necessary action

I have etc:

List of enclosures.....

Copied by .....

Examined by.....

20/8
for Genl Secy,
20/8

1.393 1936 15

Tel. Address :—DEPCOM., Tumkur.

In reply please refer
No. A.6.C.393/36.
Enc. .....

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

Dated Tumkur, the.....28th Aug:.....*193*6.

FROM

T. ABDUL KHADIR, ESQ., B.A.,
Deputy Commissioner,
Tumkur District, TUMKUR.

To

M. Venkatesa Iyengar, Esq:, M.A.,
Secretary to Government of Mysore,
General Department, Bangalore.

GENERAL SECRETARIAT
31 AUG. 1936

Subject:- Re: filing an appeal against the order of the Additional District Judge in the matter of the Acquisition (Mis. 127/27-28 Cheluviengar and others Vs. Land Acquisition Officer, Madhugiri.

Sir,

With reference to your letter N.P 1338/ Law 22-36- dated 20th August 1926, I have the honor to state that the copy of the order was received from you in this office only on 21-8-36.

This was sent to the President, Municipal Council on the very day to place it before the Council for recording their resolution and it has not been received back so far.

However, I have requested the Public Prosecutor to file an appeal at once as the resolution of the Council is only a formal matter.

The resolution of the council will be submitted as soon as it is received.

I have the honor to be,
sir,
Your most obedient servant,

Deputy Commissioner,
Tumkur District.

1400 p836 16

Tel. Address :—DEPCOM., Tumkur.

In reply please refer
No. A.6.C.393/36.
Enc. .....

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

Dated Tumkur, the 30th August *1936*.

Law 22-36-7

FROM

T. ABDUL KHADIR, ESQ., B.A.,
Deputy Commissioner,
Tumkur District, TUMKUR.

TO

M. Venkatesa Iyengar, Esq:, B.A.,
Secretary to Government of Mysore,
General Department, Bangalore.

1 AUG, 1936 Law

Subject:- Re: filing an appeal against the order of the Additional District Judge in the matter of the acquisition case (Mis 127/27-28 Cheluvaiengar and others Vs. Land Acquisition Officer, Madhugiri.).

==00==

Sir,

In continuation of this office letter No.A6.C.393/36 dated 29th August 1936, I have the honor to state that the Municipal Council, Pavagada, have resolved in their meeting held on the 25th instant that an appeal might be filed and that the Council is agreeable to meet its cost.

The copy of the order received from you with your letter No.P.1338/Law 22-36 dated 20th August 1936 has been sent direct to the Public Prosecutor and he has been requested to intimate this office as to what the cost of filing the appeal would amount to. After receipt of the reply from him, the Government will be addressed in the matter.

I have the honor to be,
sir,
Your most obedient servant,

DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

AD. 30/8.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Immediate.

No. P 1498

Dated, Bangalore, 31st August 193 6

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

Sir,

Mis.127/27-28 on the file of the Additional District Judge, Bangalore.
(Chaluviengar vs. Land Acquisition Officer, Madhugiri)

....

With reference to the correspondence ending with this office Memo No.P.1107 dated 10th August 1936 and the instructions of the Deputy Commissioner, Tumkur, about filing an appeal against the order in the above case, I am directed to request you to intimate me at once the last date on which the appeal referred to above may be filed.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Govt.

Appendix F G—1]

Immediate 18

SUBJECT.....

.....

.....

Section

File No.

Serial No.

Diary No. of letter replied to.....

No. P. 1498/—

To

The P. P.r, Bangalore

re his 127/27-8. on the file of the Addl Distt Judge, Bangalore (Chalavirayan vs. A. Madaiah)

Sir

With reference to the correspondence ending with this office memo No P. 1107 dt 10-8-36, and the instructions of the Dy Commr, touching about filing an appeal against the order in the above case, I am directed to request you to intimate me at once the last date on which the appeal is to be referred to the Court for filing may be filed

I have etc

General and Revenue Secretariat

( )

the 193 .

Date of issue 31/8/36

Signed by Jm Nil. J. Rao

List of enclosures.....

Copied by .....

Examined by.....

pre 31/8

for Secretary

1498/36 14

No. 429.

Enc. 36-37

IMMEDIATE.

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

Bangalore,.....1st September.....*193* 6

FROM G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To 3-SEP.1936

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

SIR, Mis. I27/37-28 on the file of the Additional District Judge, Bangalore. (Chaluviengar -VS- The Land Acquisition officer, Madhugiri.)

With reference to your letter No.P.I498 dated the 3Ist August I936, I have the honour to state that the appeal has to be filed before the end of September. To be on the safer side the appeal must be filed as early as possible. I will write a note on the same and submit it early.

I have the honour to be,
Sir,
Your most obedient servant,

G.S. Doraswamy Iyer
Public Prosecutor.

KHR

45 09 p/36 W

Tel. Address :—DEPCOM., Tumkur.

In reply please refer
No. A.6.C.393/36.
Enc. One

OFFICE OF THE DEPUTY COMMISSIONER,
TUMKUR DISTRICT.

Dated Tumkur, the 3rd September *193* 6.

Law 22-86-8

FROM

T. ABDUL KHADIR, ESQ., B.A.,
Deputy Commissioner,
Tumkur District, TUMKUR.

To

M. Venkatesa Iyengar, Esq:, M.A.,
Secretary to Government of Mysore,
General Department, Bangalore.

GENERAL SECTT. 4 SEP. 1936

SIR,

Re: Filing an appeal against the order of the Additional District Judge, Bangalore in Mis. Case No.127/35(Cheluvaiengar and others Vs. The Land Acquisition Officer,Madhugiri).

==00==

In continuation of my letter No.A6.C.393/36 dated 30th August 1936 re: the above, I have the honor to state that the Public Prosecutor intimates in his letter No.422/36 dated 31st August 1936 that the costs in the above case amount to Rs.195-0-0 and that formal sanction of Government may be obtained in the matter. In the circumstances, I request that sanction of Government may kindly be obtained for meeting the expenditure out of the closing balance of the Municipality. The President, Pavagada Municipality has however been addressed to adjust the amount out of the Municipal Funds immediately. A copy of the Municipal Council's resolution dated 25-8-1936 in the matter is herewith sent for reference.

I have the honor to be,
sir,
Your most obedient servant,

Deputy Commissioner,
Tumkur District.

AD.3/9.

Exc. 681.8

opy of the resolution dated 25-8-36 of Parvagada Municipality

+ + + x

No. of members present — 12
No. of members absent — 3
Total 15.

19. ಪರಿಷತ್ತಿನ ಸಾಧಾರಣ ಸಭೆಯ ನಿರ್ಣಯ
21-8-36ನೆಯ ದಿವಸದ ಪ್ರೊ C393/36-37
ನೆಯ ನಂ. ಪ್ರಕಾರ ಪಾರ್ವತಿಪುರ ಪುರಸಭೆಯ
ಈ ಪ್ರದೇಶಕ್ಕೆ ಒಂದು ಪಂಚಾಯತಿ ಸ್ಥಾಪಿಸಿ
ಈ ಪಂಚಾಯತಿಗೆ ಒಂದು ಪಂಚಾಯತಿ ಬೋರ್ಡನ್ನು ಸ್ಥಾಪಿಸಿ ಈ ಪಂಚಾಯತಿಯ ಪ್ರದೇಶವನ್ನು ಈ ಪಂಚಾಯತಿ ಬೋರ್ಡಿನ ಅಧಿಕಾರಕ್ಕೆ ಒಳಪಡಿಸಿ ಈ ಪಂಚಾಯತಿ ಬೋರ್ಡಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ ಅಧಿಕಾರಗಳನ್ನು ಈ ಪಂಚಾಯತಿ ಬೋರ್ಡಿಗೆ ಕೊಡಲಾಗಿದೆ.

Sd. B. Venkatapaiya
President

"Copy"
S. Venkatapaiya
President

1658 of 36

No. 490

Enc. 36 of 37

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,

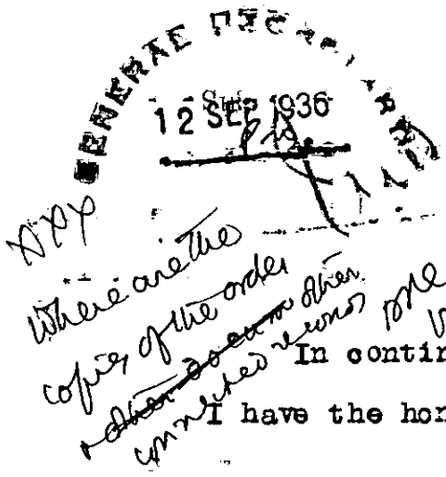
Bangalore, 11th September *1936.*

FROM

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.



In the matter of preferring an appeal against the order in Mis.No.227/27-28 on the file of the Additional District Judge, Bangalore.(Chaluviengar and others -VS- The Land Acquisition officer, Madhugiri.)

In continuation of my letter No.429/36-37 dated the 2nd instant, I have the honour to state as follows:-

In this case the notices of the award were served on the claimants on 22-II-1927. The Land Acquisition Officer made a reference to the District Judge by his letter No.12-I-1927 (obviously a clerical mistake for 12-I-1928) and the reference was received by the District court on 16-I-1928. The reference was for an adjudication under Section 30 or the Land Acquisistion Regulation only. The order sheet of the District court dated 16-I-1927 also shows that the reference was treated as one under Section 30 of the Land Acquisition Regulation.

Later on certain particulars were asked for by the District Court and on 29-2-1928. the particulars were furnished one of which was that the claimant wanted a reference for enhanced compensation also.

Thus although an objection was taken to the adequacy of compensation, a reference was made only under Section 30 and treated as such when received by the District Court.

The main question of law to be taken in the appeal will have to be that the jurisdiction of the court was confined only to the matter actually referred viz. the apportionment of compensation and

23

and not the adequacy thereof although it was one of the grounds or objection taken by the claimant(1926 M.W.N.918 Pc).

Other grounds of appeal will also be urged.

As the time for preferring an appeal is very short, an appeal will be filed on the 14th instant and the grounds of appeal forwarded to Government in due course.

As the learned Government Advocate appeared for the Claimant, in ~~xhs~~ ~~is~~ anticipation of sanction of Government I will prefer the appeal myself in accordance with the instructions of the Deputy Commissioner, Tumkur and the Land Acquisition Officer, Madhugiri, ~~seeking~~ awaiting further instructions of Government in the matter

I have the honour to be,

Sir,

Your most obedient servant,

S Doraiswamy Jr.

Public Prosecutor.

KHR.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Immediate.

General and Revenue Secretariat

No. P 1835

Dated, Bangalore, 12th September 193 6

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore Division.

Sir,

Mis.127/27-28 on the file of the Additional District Judge, Bangalore. (Cheluviengar and others vs. the Land Acquisition Officer, Madhugiri)

...

With reference to your letter No.490/36-37 dated 11th September 1936 in the matter of preferring an appeal against the order passed in the above case, I am directed to request you to send immediately the copy of order and all the connected records with you, as already requested in this office letter No.1715 dated 8th Septr. 1936, so that orders of Government may be obtained in time.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Govt.

25

Appendix F G—1]

Immediate

SUBJECT.....

.....

.....

Section Law

File No. 22 - 36

Serial No.

Diary No. of letter replied to.....

No. P/1825

To

The P. P. B Kore.

General and Revenue Secretariat

( )

the *193*

Mis. 127/37-38. on the file of the Addl. Dt. Jdl. B Kore. (Chelukeiyan & others Vs the L.A. officer, Kodagin

Date of issue 12-9-36

Sir,

Signed by Mr. V.R.J.R.

With reference to your letter No. 490/36-37, dt 11-9-36 on the matter of preferring an appeal against the order passed in the above case, I am directed to request you to immediately send the copy of order and all the connected records with your as already requested in this ~~your~~ ~~our note~~ ~~for early~~ office letter No. 1715 dated 8.9.36 — ~~order of Govt~~ so that orders of Govt may be obtained in this — I have etc.

List of enclosures.....

Copied by .....

Examined by.....

for Gen'l Secy,

1690 / 7 / 86

No. 504

Enc. one 36-37 appeal memo

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS.

Bangalore, 12th September 193 6

FROM

G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To

The General Secretary to the Government of H.H. the Maharaja of Mysore, Bangalore.

GENERAL SECTION 15 SEP 1936 PAID

SIR,

In the matter of filing an appeal against the order of the Additional District Judge, Bangalore, in Mis.case, No.127/37-28. (Chaluviengar and the Land Acquisition Officer, Madhugiri.)

In continuation of my letter No.490/36-37 dated the 11th instant, I have the honour to forward herewith the grounds of appeal in the above case for information of Government. A court fee of Rs.118-12-0 is paid on the appeal memo.

I have the honour to be,

Sir,

Your most obedient servant,

D Doraswamy Iyer

Public Prosecutor.

G.R.S. III—3]

27

Routine Notes.

[To be used only for notes, requisitions, etc.; not intended for permanent record.]

27

No. S 21/30-37 OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
Enc. Appeal memo + records, Stamps for paper 7/8 11-6-12-0 DISTRICT OFFICE BUILDINGS,
IMMEDIATE. certificate 2-10-3 Bangalore, 14th September 1936.
judgment + dec

FROM G.S. Doraswamy Iyer, Esq.,B.A.,B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

To
The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

SIR, Mis.case.No.127/27-28 on the file of the Additional District Judge, Bangalore.
(Chaluviengar and others -VS- The Land Acquisition Officer, Madhugiri)

Rec'd 15/9/36

With reference to your letter No.P.1835 of the 12th instant, I have the honour to forward herewith all the records for perusal and return for being filed immediately as the matter is very urgent.

I have the honour to be,
Sir,
Your most obedient servant,

D Doraiswamy Iyr
Public Prosecutor.

KHR.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

24

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P1883/Sec 4 Dated, Bangalore, 15th Septr. 1936

From Law 22-36-9

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,

Bangalore.

Sir,

Mis.Case No.127/27-28 (Cheluva Iyengar etc., VS Land Acquisition Officer,Madhugiri) - Appeal

With reference to the correspondence ending with your letter No.521 dated 14th September 1936 on the above subject, I am directed to return herewith the memorandum of appeal together with all the records sent for further action being taken to file the appeal in the High Court in time.

I have the honour to be,
Sir,
Your most obedient servant,

Sd.M.Venkatesa Iyengar.
General Secretary to Government.

p.t.o.

Memo No. P 1884/87 15-9-86

Copy of the foregoing is forwarded with compliments to the Deputy Commissioner, Tumkur District.

By order,

For General Secretary to Government.

Appendix F G—1]

SUBJECT .....

.....

.....

Section Law
File No. 22-36
Serial No. 9

Diary No. of letter replied to .....

No P/883/Secy 4

To The Public Prosecutor
Bangalore.

General and Revenue Secretariat

( )

the *193*

Sir,

Date of issue 15.9.36

Misc Case No: 127/27-28.
(Chaluva Ayyangar etc vs LA-O Macleupini) — Appeal —

Signed by Srinivasa Rao

With reference to the correspondence ending with your letter No. 521 dated 14 Sept 1936 on the above subject, I am directed to return herewith the memorandum of appeal together with all the records sent for further action being taken to file the appeal in the High Court in time.

I have etc

for Secy

List of enclosures .....

Copied by 15/9/36

No. P/884 of 15/9/36 forwarded to the Deputy

Examined by .....

1791/836

20/9 Tour

No. S-39/36-37

Enc. ... ...

30

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION,
DISTRICT OFFICE BUILDINGS,
Bangalore, ...17th September...*193* 6.

FROM

G.S. Doraswamy Iyer, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore.

The General Secretary to the Government of H.H.
the Maharaja of Mysore, Bangalore.

21 SEP 1936
Sir

RE: Mis.case.No.I27/27-28 on the file of the Additional District Judge, Bangalore. (Cheluva Iyengar and others. -VS- The Land Acquisition Officer, Madhugiri.)

With reference to your letter No.P.I883/ of the I5th instant returning the memorandum of appeal together with all the connected records in the above case, I have the honour to state that an appeal has been filed before the High Court of Mysore on the I6th instant.

I have the honour to be.
Sir,
Your most obedient servant,

Public Prosecutor.

which The file connected with this enquiry has been sent to the D Member on 21/9. If approved its receipt will be awaited.
for perusal
23/9

Circd 10/11

Dbt

Ont No P2945-99 Dt 6th Nov 36
Law 22-36-10

C I R C U L A R.

31

Government have noticed in several cases of proposals for sanction to file appeals, that references are received very late in the Secretariat leaving little time for consideration. In many cases such references are not accompanied with either the copy of the judgment or order to be appealed against or the records connected with the case. In a recent land acquisition case decided by the District Judge on 30th May 1936, the final reference from the Deputy Commissioner seeking orders of Government to file an appeal was received on 4th September 1936 and neither the copy of the order to be appealed against nor the records relating to the case were received with it. Government wish to draw the attention of all officers concerned to the instructions contained in rules 105 and 106 of the rules for the conduct of the legal affairs of Government, the former rule requiring the Public Prosecutor or other Advocate appearing for Government in a case to obtain certified copies of the judgments or orders as soon as they are pronounced and send them without delay to the officer concerned stating his opinion with reasons as to whether an appeal should be made, and the latter requires departmental officers to send with their reports a copy of the judgment or order to be appealed against, the opinion of the

I C
Rec'd 12/11/36

32

Public Prosecutor or other Advocate - - - entrusted with the case and all other records connected with the case. ~~They are also pleased to direct that~~ These instructions be strictly observed. References from the Head of the Department or the Deputy Commissioner or other officer concerned, proposing the filing of an appeal in such cases, should also be made wuthout much lapse of time and ~~that~~ any intermediate correspondence ~~should be~~ attended to expeditiously so as to leave, when all the material is ready, at least fifteen days time for Government to pass orders.

30/10/36

General Secretary to Govt.

To

The Heads of Departments.
The Deputy Commissioners of Dts.
The Public Prosecutors.
The Government Advocate.
The Secretaries to Government.
The Comptroller to Government.

10 June 3114/36.

Government of His Highness the Maharaja of Mysore,
General and Revenue Secretariat.

No. P2405-99 Law 22-36-10 Dated, Bangalore, 3rd November 1936.

C I R C U L A R.

Government have noticed in several cases of proposals for sanction to file appeals, that references are received very late in the Secretariat leaving little time for consideration. In many cases such references are not accompanied with either the copy of the judgment or order to be appealed against or the records connected with the case. In a recent land acquisition case decided by the District Judge on 30th May 1936, the final reference from the Deputy Commissioner seeking orders of Government to file an appeal was received on 5th September 1936 and neither the copy of the order to be appealed against nor the records relating to the case were received with it. Government wish to draw the attention of all officers concerned to the instructions contained in rules 105 and 106 of the rules for the conduct of the legal affairs of Government. The former rule requires the Public Prosecutor or other Advocate appearing for Government in a case to obtain certified copies of the judgments or orders as soon as they are pronounced and send them without delay to the officer concerned stating his opinion with reasons as to whether an appeal should be made and the latter requires departmental officers to send with their reports a copy of the judgment or order to be appealed against, the opinion of the Public Prosecutor

Prosecutor or other Advocate entrusted with the case and al other records connected with the case. These instructions should be strictly observed. References from the Head of the Department or the Deputy Commissioner or other officer concerned, proposing the filing of an appeal in such cases, should also be made without much lapse of time and any intermediate correspondence attended to expeditiously so as to leave, when all the material is ready, at least fifteen days time for Government to pass orders.

Signed) M. Venkatesa Iyengar.
Secretary
for General Secretary to Government.

The Heads of Departments.
" Deputy Commissioners of Districts.
" Public Prosecutors.
" Government Advocate.
" Secretaries to Government.
" Comptroller to Government.

E.10.

"Press Copy"

Mis-4581/10

Date on which the District Judge passed orders in the case.	30th May 1936.
Date on which this was intimated to Government by Public Prosecutor.	27th June 1936
Date on which the copy of the order was received from the Public Prosecutor.	17th July 1936
Date on which the Public Prosecutor was enquired as to how the Court got jurisdiction to go into the question of the amount of compensation when there was admittedly no reference under Sec.18 Land Acquisition Regulation.	30th July 1936.

(In this letter, the Public Prosecutor was told that this looks like a case in which an appeal may have to be filed and he was therefore asked to intimate the Land Acquisition Officer of the Court's order - copy of this was sent to Deputy Commissioner, Tumkur).

Date on which the Public Prosecutor replied to our letter of 30-7-36.	5th August 1936
Date on which the Tumkur Deputy Commissioner's attention was drawn to the case and the rules under which he had to take action to appeal.	10th August 1936.

On 20-8-36 the Deputy Commissioner's letter asking for copy of the order being sent was received and the copy was sent the very day "for <u>immediate</u> necessary action"

On 27-8-36, A D.O. Reminder was issued to the Deputy Commissioner, Tumkur.

On 28-8-36 the Deputy Commissioner wrote saying that he had placed the matter before the President of the Municipal Council for a resolution regarding the filing of an appeal and that he had also asked the Public Prosecutor to file the appeal atonce.

On 30-8-36 he again wrote saying that the Municipal Council had resolved in favour of the appeal and that he would move Government as soon as he received information from Public Prosecutor re: costs of appeal.

On 31-8-36 the Public Prosecutor was asked from here to intimate at once the last day on which the appeal had to be filed and on 1st September 1936 he replied saying that it could be filed before the end of September 1936.

Date on which the Deputy Commissioner moved Government for sanction to appeal.	4- 9- 1936.

As copies of the order and the records were not sent, the Public Prosecutor was asked on 8-9-36 to send them immediately with a note. On 11-9-36 the Public Prosecutor sent up the note but neither the copy of the order nor the records were sent. A reminder was issued on 12-9-36 and the copies with the appeal memo was received here on 15-9-36.

16/9/36

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 18th February 1937.

No. P 5033

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Public Prosecutor,
Bangalore.

Sir, Mis. Case No.127/27-28 (Cheluviengar & others Vs. the Land Acquisition Officer, Madhugiri)- Appeal.

With reference to your letter No.539/36-37, dated 17th September 1936 stating that an appeal against the decision in the above case has been filed before the High Court, I am directed to enquire about the progress made in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

for General Secretary to Government.

TSS.

37

Appendix F G—1]

SUBJECT.....

.....

.....

Section Laws

File No. 22-36

Serial No.

Diary No. of letter replied to.....

No. P5033.

To

The P. Pr. B'lore

General and Revenue Secretariat

( )

the *193* .

Date of issue 16.2.37

Signed by Mr. DKR.

Sir,-

I am directed to With reference to your letter no. 539/36-37, dated 17th Sept. 36 stating that an appeal against the decision in the above Case has been filed before the High Court, I am directed to enquire about the progress made in the matter. I have etc.,

List of enclosures.....

Copied by 9.vii.8/2

Examined by.....

WD 03601—GPB—30,000—23-9-35

DKR

for Gen'l Dept

4679 V 3698 838 38

No. 829/38-39.

Enc. .....

Dyp

OFFICE OF THE PUBLIC PROSECUTOR,
BANGALORE DIVISION.
DISTRICT OFFICE BUILDINGS,

Bangalore City, 24 th November, 1938 *193*

From

G. S. DORASWAMY IYER, Esq., B.A., B.L.,
Public Prosecutor,
Bangalore Division, Bangalore City.

BYR 28-11

To

The Additional Secretary to Government of Mysore,

Sir, Bangalore.

R. A. No. 17 of 1936 -37 on the file of the High Court of Mysore (Government by the L. A. Officer, Madhugiri. Vs. Cheluvaiengar and others).

Vide H.C.

I have the honour to state that this case has been settled in accordance with the terms of G.O. L.40004-5/ M.I. 15-38-48 dated 16/11/1938, communicated to me yesterday. → Plan Vide Notes page 13

Subs for perusal. This will be sent to L.S.G.-Br for putting up the file leading to the issue of the G.O. mentioned in the letter, to see what the terms are

29/11/38.

I have the honour to be,

S i r,

Your most obedient servant,

G. S. Doraswamy Iyer

Public Prosecutor,

Bangalore Dvn, Bangalore.

Not necessary. We can get G.O. is already in our file

BYR 29.11.

B. 3-12-38